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Mark V. Watts
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Reply to Biloxi

October 7, 2009

BILOXI OFFICE

796 Vieux Marché, Suite 1
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Biloxi, Mississippi 39533-1377
Tel: 228.374.2999
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Via Email and Facsimile

Haley N. Broom
Joe Gewin
Dukes, Dukes, Keating & Faneca
2909 13th Street, 6th Floor
Gulfport, MS 39502

Re: *Gary Brice McBay v. Harrison County, MS, et al*; Cause No. 1:07-cv-1205-LG-RHW
Seal v. Harrison County, MS, et al; Cause No. 1:08-cv-0175-LG-RHW
Vanderburg v. Harrison County, MS, et al; Cause No. 1:08-cv-0090-LG-RHW
Carrubba v. Harrison County, MS, et al; Cause No. 1:07-cv-1238-LG-RHW

Dear Joe and Haley:

Please accept this correspondence as a follow-up to our letter dated October 2, 2009 which was hand delivered that same day to Haley at the 30(b)(6) deposition. The October 2, 2009 letter served as our good faith attempt to procure certain documents and materials.

For ease of reference, here is a list of materials requested:

- (1) Steve Campbell's notebook of every investigation he performed while at the Professional Standards Unit -- Mr. Campbell further stated that he left a copy of that notebook at the Detention Center upon his retirement, and he stated that he also kept a copy which he took himself and he still has to this day. We request that a copy of this investigative notebook be produced.

As to this notebook, Haley stated that it was part of numerous boxes of voluminous documents which were reviewed by Robert Harenski. Harenski's document review aside, we have propounded valid discovery requests which require the production of this notebook. Whether Mr. Harenski found the notebook in his search through the mountain of documents and materials is irrelevant. If you know where the notebook is located and receive a valid discovery requests regarding the same, you are under a duty to produce the materials. Please produce the Mr. Campbell's notebook he referenced in his testimony as your 30(b)(6) designee.



Haley N. Broom
Joe Gewin
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- (2) The individual investigative file was made on each investigation performed -- Mr. Campbell testified that an individual investigative file was made on each excessive force complaint by inmates. Specifically, Mr. Campbell testified that he took statements from Morgan Thompson regarding the McBay matter. Mr. Campbell further testified that he watched three different digital video angles of the booking area in regards to the McBay incident. Mr. Campbell also testified that he kept an audio recording of all persons interviewed during an investigation. Please produce all audio and digital recordings to which Mr. Campbell referred to during his 30(b)(6) testimony.

Moreover, Mr. Campbell testified that he performed an investigation regarding the Seal incident. Mr. Campbell stated that he took audio recordings of all interviews performed in the Seal incident. Mr. Campbell also stated that an investigative file would have been maintained as to the incident with Seal, inclusive of audio and digital recordings, and other such reports and paperwork. Please produce the investigative file and any audio recordings with regard to the incident with Seal.

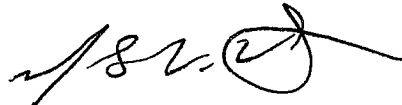
Finally, the request for the notebook, investigative files, and audio recordings described above also pertain to the Carrubba and Vanderburg incidents.

Plaintiffs have already propounded discovery to Defendant and requested the materials discussed supra. Specifically, requests nos. 1, 6 and 7 cover the items and materials requested above. Moreover, Interrogatory No. 10 requested an identification of the information and materials described above.

Please provide the requested materials to us by Thursday, October 8 at 10:00 a.m. We appreciate your cooperation and attention to this matter. If you refuse to produce any of the materials discussed in this letter and the previous letter, please execute the good faith certificates attached to the October 2, 2009 letter, and provide back to us by Thursday, October 8 at 10:00 a.m. Thanks, and hope all is well.

Sincerely,

BROWN BUCHANAN, P.A.

A handwritten signature in black ink, appearing to read 'M. V. Watts', with a stylized flourish at the end.

MARK V. WATTS

MVW/snd

BROWN BUCHANAN, P.A.

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FACSIMILE TRANSMITTAL SHEET

NUMBER OF PAGES: 3 (INCLUDING COVER)

DATE: October 7, 2009

TO: Haley N. Broom
Joe C. Gewin

FACSIMILE: 228-863-2886

FROM: Mark V. Watts

RE: Jail matters

MESSAGE: See attached.

ANY PROBLEMS - Call Suzanne at (228) 374-2999

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Suzanne Daquila

From: Mark V. Watts [mvw@brownbuchanan.com]
Sent: Wednesday, October 07, 2009 3:57 PM
To: 'Haley Broom'; 'Joe Gewin'
Cc: 'Patrick R. Buchanan'; Suzanne D'Aquila
Subject: McBay, Seal, Carrubba and Vanderburg
Attachments: 10-7-09 ltr Dukes Dukes.pdf

Joe and Haley,

Attached please find follow-up correspondence regarding production of materials in the above referenced matters. We have the same via facsimile also. Thanks, and let us know if you have any questions.

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